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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/357,235 07/20/99 GURESHNIK

MMC2/0922

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|          |              |
|----------|--------------|
| EXAMINER |              |
| E        | P-2588-US    |
| ART UNIT | PAPER NUMBER |

DATE MAILED:

JEANGLAUDE, J.

2819

09/22/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/357,235

Applicant(s)  
Eran Gureshnik et al.

Examiner  
Jean Jeanglaude

Group Art Unit  
2819



☒ Responsive to communication(s) filed on Jul 20, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-11 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-11 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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***Claim Rejections - 35 U.S.C. § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**The following is a quotation of 37 CFR 1.71 (a)-(c):**

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

© In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

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2. Claims 10, 11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which pertains, or with which it is most nearly connected and /or use the invention.

3. Claims 10, 11 recite " a flip flop", "a random number generator", " an adder". Such limitations do not commensurate with the drawings.

***Claim Rejections - 35 U.S.C. § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 3 - 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Buch (US Patent Number 5,712,636).

6. Regarding claim 3, Buch teaches a device (fig. 1) that comprises a plurality of resistive elements (R1a, R2a); at least one switch (20, col 3, line 21) connected to one of said resistive elements; a capacitive element (C1) connected to said resistive elements thereby forming a low pass filter with said resistive elements (col 3, line 64); and a controller (35; col 3, lines 18 - 20) connected to said at least one switch, said controller

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operative to open and close said at least one switch thereby switching the resistance of said low pass filter is inherent (states of the switch: ON or OFF; see abstract)

7. Regarding claim 4, Buch teaches a device (fig. 1) that comprises a plurality of resistive elements (R1a, R2a); at least one switch (20, col 3, line 21) connected to one of said resistive elements; a capacitive element (C1) connected to said resistive elements thereby forming a low pass filter with said resistive elements, said low pass filter having a response time (fig. 1; col 3, line 64); and a controller connected to said at least one switch (35; col 3, lines 18 - 20) , said controller operative to open and close said at least one switch thereby changing said response time (fig. 1).

8. Regarding claims 5, 6, 7, Buch teaches a digital to analog converter (fig. 1) that comprises a digital circuit which produces a pulse modulated signal [pulse density modulation] (PWM, fig. 1) and a switchable low pass filter (120, fig. 1) having a plurality of response times for converting said pulse modulated signal to an analog signal (fig. 1) having ripples, wherein switching said low pass filter among said response times changes the size of said ripples (figs. 3, 4).

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*Claim Rejections - 35 U.S.C. § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 2, 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buch (US Patent Number 5,712,636).

11. Regarding claims 1, 2, 8, 9, Buch teaches a switchable low pass filter [digital to analog converter] (fig. 1) that comprises a switch (20) connected to resistive elements (R1a, R2a) that are given different resistance values; a capacitive element (C1) connected to said the resistive elements; a controller (35) connected to the switch(20), said controller operative to open and close the switch is inherent (states of the switch: ON or OFF; see abstract) but is silent on teaching a switchable low pass filter [digital to analog converter] that comprises a first and second switch that is connected to a first and second resistors. However, Buch, in his system discloses a low pass filter [digital to analog converter] that comprises a switching device (20) and a driver (62). The driver connected to R1a is selectively switched (see col 3, lines 45 - 51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate two switches in

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Buch's system. It appears that Buch's system would perform equivalently well with or without such limitations.

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### Contact Information

12. An inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Jeanglaude whose telephone number is (703) 306-3405. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 4:00 P.M..

13. If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Tokar, can be reached on (703) 305 - 3493. The fax phone number for this Group is (703) 308 - 7722.

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 - 1782 .

*JBJe*

Jean B. Jeanglaude

September 14, 2000

*Michael J. Tokar*

Michael Tokar  
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